

Hon. Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

LISA C. NEAL, an individual,

Plaintiff,

v.

CITY OF BAINBRIDGE ISLAND, a Municipal
Corporation

Defendant.

NO.: 3:20-cv-06025-RSL

FIRST AMENDED COMPLAINT

JURY DEMAND

Plaintiff Lisa C. Neal ("Neal" or "Plaintiff") brings this action against the City of Bainbridge Island ("COBI") for violation of her Constitutionally protected right to political free speech per 42 USC § 1983, defamation *per se*, negligent or intentional infliction of emotional distress, and violation of Washington's Public Records Act RCW 42.56.

I. PARTIES

1.1 Plaintiff is a resident of the City of Bainbridge Island, Kitsap County, Washington.

1 1.2 COBI is a municipal corporation located in Kitsap County, Washington,
2 organized under the laws of the State of Washington. COBI is an “agency” as
3 defined by RCW 42.56.010(1) and subject to the Public Records Act (“PRA”), RCW
4 42.56, *et seq.*

5 II. JURISDICTION & VENUE

6 2.1 This court has subject matter jurisdiction pursuant to 42 U.S.C. § 1983.
7 The court has ancillary jurisdiction over Plaintiff’s related state law claims.

8 2.2 The court has personal jurisdiction over the parties.

9 2.3 Plaintiff has complied with Revised Code of Washington § 4.96.020's
10 requirement that Defendant municipality COBI be provided 60-days' notice of the
11 claim for damages.

12 2.4 Plaintiff has complied with Revised Code of Washington § 7.96.040's
13 requirement that Defendant be provided an opportunity to correct or clarify the
14 alleged defamation.

15 2.5 Venue is proper in the Western District of Washington at Tacoma
16 pursuant to 28 U.S.C. § 1391(b)(1) and (2), because Plaintiff and Defendant COBI are
17 located in this district, and because the events giving rise to Plaintiff's claims
18 occurred in this district.

19 III. RELEVANT FACTS

20 3.1 Plaintiff has been a lawyer licensed and in good standing in the state of
21 Washington since 1996, and in Texas (now inactive) since 1992, as well as in the
22 federal district courts of both states, and in the Ninth Circuit Court of Appeals.
23

1 3.2 Plaintiff served as a Bainbridge Island Municipal Code ("BIMC")
2 Chapter 2.01 citizen volunteer appointed by the City Council to the Island Center
3 Subarea Planning Process Steering Committee ("Committee").

4 3.3 The Committee is a citizen advisory committee formed to create a
5 Subarea Plan for the Island Center Neighborhood Center on Bainbridge Island.

6 3.4 The Committee was formed in November of 2017.

7 3.5 The Committee has not completed its task as of the date of the filing of
8 this First Amended Complaint.

9 3.6 Plaintiff was appointed to the Committee in the fall of 2017.

10 3.7 The Committee elected Plaintiff as the Committee's Vice-Chair in or
11 before February of 2018, in which role she acted until August 14, 2018, when
12 Defendant COBI removed her from the Committee.

13 3.8 Plaintiff was not, and is not, a public figure.

14 3.9 The COBI Ethics Program ("Program") requires that all committees
15 include a standing agenda item for disclosure of possible conflicts of interest.
16 Program, Art. II, Section J.

17 3.10 The Program precludes action by any committee member who (among
18 other disqualifications) has a "significant financial or private interest in that matter . .
19 . ." Program, Art. II, Section D. 1. a.

20 3.11 Section D. 1. does not apply to committee members who were
21 appointed "based on ownership of property or interest in a business located in a
22 certain area of the City . . . provided that the member fully discloses the basis for the
23 conflict of interest under Subsection (1) during each meeting of the City Committee . .
24

1 . . and [where] the City Committee . . . votes to allow the member to participate in the
2 discussion or the vote” Program, Art. II, Section D. 3. a. and b.

3 3.12 The Program does not exempt the Island Center Committee members
4 from this obligation.

5 3.13 At the beginning of the first Committee meeting on December 5, 2017,
6 Committee member Scott Anderson (“Anderson”) disclosed that he and his family
7 own a ten acre parcel adjacent to the Neighborhood Center, for which he had
8 previously gone to the Planning Commission seeking an upzone, and that he sought
9 an upzone for his family’s property through the Island Center Subarea Planning
10 Process.

11 3.14 Also at the first meeting, Committee member Maradel Gale (“Gale” or
12 “Chair”) disclosed that she and others on the Planning Commission at the time
13 Anderson approached that body for the upzone had wanted to “help” Anderson, but
14 were told that they could not make the zoning change until the Subarea Planning
15 Process was completed.

16 3.15 The recording of the first meeting on December 5, 2017, began after the
17 Committee members introduced themselves, and the portion of the meeting
18 referenced above is not present on the publicly available recording.

19 3.16 At the January 17, 2018 meeting, a member of the public asked about
20 the apparent conflicts of interest with respect to the two Committee members who
21 sought to upzone their own properties.

22 3.17 Planning Director Gary Christensen (“Christensen”) advised those
23 present that, so long as the Committee members had disclosed the interest to the
24

1 Council, the potential conflict of interest did not affect their ability to vote on the
2 process.

3 3.18 Plaintiff requested at the March 7, 2018 Committee meeting that the
4 Committee include the standard conflict of interest disclosure agenda item in future
5 Committee meetings.

6 3.19 In response to Plaintiff's request, Christensen told the Committee and
7 the public that, because the Committee is an advisory committee, the conflict
8 disclosure was not really an issue.

9 3.20 All citizen committees provide recommendations.

10 3.21 The only exception to that general rule is the Salary Commission.

11 3.22 As of March of 2018, Gale had been nominated for the Chair position by
12 Committee member Anderson, and the Committee voted her Chair.

13 3.23 At the March 21, 2018 meeting, whether and how to disclose conflicts
14 was again discussed.

15 3.24 At the March 21, 2018 meeting, COBI Staff member liaison to the
16 Committee, Jennifer Sutton, advised that the City Attorney told her he did not think
17 disclosure was necessary because, for one reason, the Committee makes
18 recommendations, and is not a decision maker.

19 3.25 Staff and Chair Gale suggested making a general statement to the effect
20 that the Committee members in general own property or businesses in or near Island
21 Center.

22 3.26 On April 4, 2018, following further discussion, the Committee expressly
23 agreed to place conflicts of interest disclosures on the Agenda.
24

1 3.27 Chair Gale refused to call the Agenda Item "Conflict of Interest
2 Disclosure," however, stating she would place on future Agendas discussion of
3 "Statements of Interest."

4 3.28 At this time, Chair Gale was also a member of the Ethics Board for the
5 City.

6 3.29 Plaintiff objected, and requested that the Agenda item be entitled
7 "Conflict of Interest Disclosure" or similar, to comply with the Code [here, meaning
8 the Ethics Program].

9 3.30 Later Committee Agendas showed "Conflict Disclosure" along with
10 Call to Order and Agenda Review as the first item of business, but the minutes reveal
11 that "statements of interest" were called for by the Chair.

12 3.31 During the June 6, 2018, Committee meeting, Plaintiff again noted that
13 the Program requires "conflict of interest" disclosures, not "statements of interest,"
14 and that the Program further requires that the Committee actually vote on whether
15 to allow the conflicted member(s) to discuss or vote on the topic from which they,
16 personally, could potentially benefit.

17 3.32 After Staff liaison Sutton's report that the City Attorney had instructed
18 that no conflict of interest disclosure was necessary, Plaintiff called the City Attorney
19 to obtain his advice.

20 3.33 It took several weeks to connect with the City Attorney.

21 3.34 Plaintiff advised the City Attorney, Joe Levan, of Staff Sutton's relayed
22 advice from him.

23 3.35 Levan told Plaintiff he "did not say that" (what Plaintiff reported Staff
24 Sutton had reported he'd said).

1 3.36 Plaintiff asked for advice as to what to tell people who were concerned
2 about the conflicts of interest.

3 3.37 Levan told Plaintiff that he did not provide advice on the Ethics
4 Program, only on the state law, and that committee members are not subject to state
5 law.

6 3.38 More than one year after this conversation, and following Plaintiff's
7 removal from the Committee (discussed below), the City Attorney wrote to Plaintiff
8 regarding an unrelated issue on August 23, 2019.

9 3.39 In that written communication, Levan implied that Plaintiff had lied
10 about the prior conversation.

11 3.40 Levan refused to discuss any issue with Plaintiff on the telephone or in
12 person.

13 3.41 In his 2019 email communication, the City Attorney's recollection was
14 that he advised Plaintiff that mere ownership of property or businesses in the area
15 was not a conflict of interest, because the Code required such an interest in most of
16 the Committee members.

17 3.42 The City Attorney did not explain in the email why the Ethics Program
18 requirements did not apply to the Committee.

19 3.43 The City Attorney's implication that Plaintiff lied was presented in the
20 context of Plaintiff requesting a telephone call regarding her review of some
21 documents she had requested under the Public Records Act.

22 3.44 Plaintiff planned to request some physical accommodations relative to
23 the document review, and wished to do so in a telephone call, not in an email.
24

1 3.45 The City Attorney's implied claim that Plaintiff lied was coupled with
2 his demand that any future communication be in writing, and he refused to discuss
3 anything on the telephone with Plaintiff.

4 3.46 Rather than place her personal information in the public record in order
5 to request the accommodation, Plaintiff forewent review of the documents requested.

6 3.47 The City Attorney's implied claim that Plaintiff lied was disclosed to a
7 third party, the City Clerk.

8 3.48 There was no legitimate basis for including a third party on the City
9 Attorney's email claiming Plaintiff had lied.

10 3.49 The City Attorney, Levan, used information gained in his conversation
11 with his former client (Plaintiff, as member of a citizen committee seeking legal
12 advice regarding the Committee's obligations under the Program, was the City
13 Attorney's client for that purpose) *against* Plaintiff in a separate, adversarial, context.

14 3.50 The City Attorney, Levan, may have violated the Rules of Professional
15 Conduct by so using confidential communications against Plaintiff in a later,
16 adversarial, context. RPC 1.9(c)(1) and (2).

17 3.51 Plaintiff was caused distress by the City Attorney's communication,
18 was impeded in her work, loss of sleep, and including at least one nightmare on
19 August 27, 2019, regarding the allegations.

20 3.52 Levan negligently or intentionally caused Plaintiff distress.

21 3.53 Plaintiff requested intervention from the Mayor (Medina, at the time),
22 who forwarded the issue to the City Manager.

23 3.54 Approximately three months later, on November 15, 2019, Plaintiff
24 received an email from the City Manager, Morgan Smith, on the issue.

1 3.55 Smith refused to take any action regarding the City Attorney's
2 communication.

3 3.56 As discussed above, while Agendas after April 4, 2018 reflected a
4 standing agenda item for "Conflict Disclosure," the Chair continued to call for any
5 changes in status or similar, and no Committee member fully disclosed the interest in
6 upzoning his or her own property, and the Committee did not comply with the
7 Program by voting on whether to allow participation.

8 3.57 Returning to the June 6, 2018, Committee meeting, Plaintiff reported the
9 content of her telephone call with the City Attorney to the Committee, and she re-
10 urged the Committee's full compliance with the Ethics Program.

11 3.58 Later, during 2019, Chair Gale and the rest of the Ethics Board
12 recommended to the City Council that it change the Program to exempt members of
13 committees such as the Island Center Committee from disclosing conflicts of interest.

14 3.59 Council member Blossom explained in an August 9, 2019 email that the
15 Board, and not she, recommended this change to the Program.

16 3.60 In that August 9, 2019 email, Blossom acknowledged that the
17 Committee members have a potential conflict of interest, and that it should be
18 disclosed.

19 3.61 This statement by Blossom conflicted with the City Attorney's assertion
20 to Plaintiff in his August 23, 2019 email that the Committee members did not have a
21 conflict of interest.

22 3.62 This Ethics Board's recommendation and request that Council eliminate
23 the conflicts disclosure requirement confirmed the requirement's existence, as well as
24

1 that Chair Gale's and Staff's prior advice to the Committee, that no such disclosure
2 was required, was inaccurate.

3 3.63 During the Ethics Program review process that spanned many months,
4 Plaintiff communicated with the Council, and especially with Mayor Medina, and
5 explained what the existing conflicts are: Committee members who own land near
6 the Neighborhood Center wish the Committee to "upzone" their property, they have,
7 and continue to argue for, the "upzone," and they were anticipated to vote on the
8 "upzone."

9 3.64 Mayor Medina expressed his opinion that this specific type of conflict is
10 something he would want to know before voting on any Plan presented by the
11 Committee (Council has the last word on any upzone recommendation by the
12 Committee.).

13 3.65 The Council ultimately rejected the Ethics Board's recommendation
14 that the Island Center Committee (and others like it) be exempted from conflict of
15 interest disclosures.

16 3.66 On December 16, 2020, Chair Gale, seeing Plaintiff present at the Island
17 Center meeting, publicly introduced the conflicts of interest disclosure agenda item
18 by saying "Here you go, Lisa."

19 3.67 To date, certain Committee members have consistently failed to
20 disclose that they own property that they advocate be upzoned as part of the Island
21 Center Subarea Planning Process.

22 3.68 The Committee has further failed to comply with the Program, which
23 requires a formal Committee vote be taken to allow those members who have
24

1 disclosed a conflict to participate in discussion and/or voting on items that
2 potentially affect their property or interests.

3 3.69 Plaintiff has brought these failures to the attention of the Committee, to
4 Council, to Mayor Medina, and to the City Manager (because Mayor Medina
5 forwarded the alert to her).

6 3.70 The City Manager Smith responded that the Committee was already
7 disclosing "conflicts" in order to satisfy Plaintiff.

8 3.71 Returning to Plaintiff's removal from the Committee on August 14,
9 2018, Plaintiff was not provided notice of the impending discussion.

10 3.72 While the August 14, 2018, City Council meeting Agenda included a
11 motion to remove a citizen from a committee, the Agenda item did not name the
12 person to be removed, or the committee from which a person was to be removed.

13 3.73 Plaintiff received a telephone call from Council member Ron Peltier on
14 August 14, 2018, to advise that he had contacted Council member Blossom and been
15 told Plaintiff's removal was not on the Agenda.

16 3.74 Peltier advised Plaintiff that if her removal were discussed, it would be
17 helpful for him to be able to relay that Plaintiff would try to be "more diplomatic" in
18 the future.

19 3.75 Plaintiff stated that she always tried to be diplomatic and would listen
20 to any advice on the subject.

21 3.76 Plaintiff reported to Peltier her July 11, 2018 telephone conversation
22 with Blossom (discussed below), in which call Blossom had promised to address
23 Plaintiff's concerns, and in which call Plaintiff had promised to bring any future
24 concerns to Blossom.

1 3.77 Plaintiff later asked the Mayor, Kol Medina, who placed the item on the
2 Agenda.

3 3.78 According to him, Mayor Kol Medina does not recall who placed the
4 motion to remove Plaintiff on the Agenda for August 14, 2018.

5 3.79 Council member Sarah Blossom, who was also the City Council's
6 liaison to the Committee, told Plaintiff (on August 15, 2018) she did not ask that the
7 Agenda item be placed on the Agenda, and that she did not have notice of its
8 presence prior to August 14, 2018.

9 3.80 Under BIMC § 2.01.020, the Mayor had the authority to remove Plaintiff
10 for certain reasons or "just cause," subject only to Plaintiff's possible restoration to
11 the Committee by a majority vote of the Council within 30 days of the Mayor's notice
12 of the removal, in the event a majority disagreed with the removal.

13 3.81 No public hearing, testimony, or vote was required to effect Plaintiff's
14 removal from the Committee.

15 3.82 COBI Council did not follow the removal procedure provided by the
16 COBI Code.

17 3.83 COBI Council instead held a public hearing without notice to Plaintiff
18 on August 14, 2018, which was televised and recorded, and which provided a public
19 platform for some, including Council members and COBI staff, as well as members
20 of the public, to provide their opinions regarding Plaintiff in that permanent public
21 forum.

22 3.84 At the August 14, 2018 City Council meeting, then-Mayor Kol Medina
23 raised the issue of Plaintiff's removal from the Committee by telling the public that
24 "anyone serving on any of the committees serves at the pleasure of the Council and

1 we can remove them if we feel like they are, for whatever reason, disrupting the
2 committee, not acting appropriately. We have reasons to, some councilors anyway
3 have expressed reasons to believe this person [Plaintiff] should be removed from the
4 Committee."

5 3.85 Following the introduction wherein the Mayor stated that one in the
6 Plaintiff's position, who had been "disrupting the Committee" and "not acting
7 appropriately," could be removed, he asked for a motion to remove Plaintiff,
8 identifying her by name.

9 3.86 This combination of statement and action implied to the public that
10 Plaintiff had been "disrupting the Committee" and "not acting appropriately" to the
11 point that her behavior now necessitated her removal.

12 3.87 Recitation of such grounds was unnecessary to comply with the
13 pertinent BIMC section.

14 3.88 Council member Sarah Blossom (Blossom) moved to remove Plaintiff
15 from the Committee.

16 3.89 Blossom claimed to not have known the item would be on the Agenda.

17 3.90 Blossom stated her reasons for moving to remove Plaintiff: "we've had
18 some Committee members resign because of [Plaintiff's actions/behavior]," and that
19 Plaintiff had refused to meet with the Planning Director, Gary Christensen.

20 3.91 Both statements were false.

21 3.92 Regarding the assertion that Committee members resigned "because
22 of" Plaintiff, the Committee members who resigned prior to August 1, 2018, resigned
23 for reasons other than Plaintiff's actions, words or behavior.
24

1 3.93 One Committee member wrote on May 31, 2018 to resign for “health
2 issues.”

3 3.94 The other Committee member wrote on June 4, 2018 to resign due to
4 the Committee’s having made “little meaningful progress” to date.

5 3.95 Staff member Jennifer Sutton reported the resignations to the
6 Committee during a meeting, and had previously reported one resignation in an
7 email.

8 3.96 Plaintiff was aware from conversations and email communications both
9 while on the Committee and after her removal that the claim that either person who
10 resigned had done so “because of” Plaintiff was false.

11 3.97 For example, on July 11, 2018, Plaintiff called Blossom to discuss
12 Plaintiff’s concerns about the process being followed by the Committee, including
13 what Plaintiff believed were inaccurate statements of the law, and the Committee’s
14 ongoing failure to disclose conflicts of interest.

15 3.98 In the July 11, 2018 telephone call with Blossom, Plaintiff expressed
16 concern that Christensen seemed hostile and might be attempting to make
17 Committee work for Plaintiff sufficiently uncomfortable that she would quit.

18 3.99 Blossom responded (paraphrased) “we do not need any more
19 resignations.”

20 3.100 Blossom quickly spoke again, and appeared concerned that she had
21 implied the two members had resigned because of Plaintiff’s actions, saying
22 (paraphrased) “I’m not saying they quit because of you.”

23 3.101 Because Blossom had volunteered during the July 11, 2018, call that the
24 prior resignations were not “because of” Plaintiff, and because Plaintiff was aware,

1 through her Committee participation, of the true reasons for those resignations,
2 Plaintiff wrote to Blossom on February 27, 2019 and set out the two conflicting
3 statements from the July 11, 2018 call, and Blossom's statement at the August 14, 2018
4 City Council meeting implying to the public that Plaintiff was to blame for the
5 resignations, requesting Blossom provide an explanation.

6 3.102 Blossom did not respond to the February 27, 2019 email.

7 3.103 Plaintiff followed up on March 6, 2019, and Blossom responded: "I
8 didn't respond and I don't plan to."

9 3.104 At the City Council meeting on August 14, 2018, Planning Director
10 Gary Christensen also argued in support of removal.

11 3.105 Christensen admitted under questioning by a Council member that he
12 could not say that other members of the Committee had resigned "because of"
13 Plaintiff's participation.

14 3.106 Regarding the second asserted ground for Plaintiff's removal, Plaintiff's
15 alleged refusal to meet with the Planning Director, Christensen had requested an in-
16 person daytime private meeting with Plaintiff on April 18, 2018, after 2:00 p.m., to
17 discuss Plaintiff's expressed concern (email dated April 17, 2018) that he had
18 overridden a Committee vote by unilaterally changing the next Committee Agenda.

19 3.107 The issue there was that, as reflected in the Minutes for the April 18,
20 2018 meeting, the Committee had voted in the April 4, 2018 meeting to issue a survey
21 to the public for input on a list of possible issues before drafting a Vision Statement.
22 The April 4, 2018 minutes were never amended as voted in the April 18, 2018
23 meeting.

1 3.108 The Committee's Agenda, therefore, did not include drafting the Vision
2 Statement for the next meeting.

3 3.109 Christensen ignored that vote and placed the Vision Statement drafting
4 back on the Agenda.

5 3.110 Plaintiff did not refuse to meet with Gary Christensen regarding her
6 concern.

7 3.111 Instead, Plaintiff responded by email on April 17, 2018, to the request,
8 thanking the Planning Director, but advising she felt it would be best if
9 communication occurred in the public record.

10 3.112 Blossom pressed Plaintiff to attend an in-person meeting, advising she
11 planned on also attending (April 17, 2018 email).

12 3.113 In a responsive email of the same date, Plaintiff reiterated her desire to
13 have any meeting with all (the Committee) in attendance, and on the public record.

14 3.114 As such, Plaintiff expressed the desire to meet in public, not private,
15 and never refused to meet with Christensen.

16 3.115 As such, Plaintiff expressed the desire to meet in a forum where the
17 communications would be recorded, and Plaintiff never refused to meet.

18 3.116 Christensen did not respond to Plaintiff's request that their discussion
19 take place, as Plaintiff had requested.

20 3.117 At the April 18, 2018, Committee meeting following the email exchange
21 between Plaintiff and Christensen, Christensen did not bring forward any discussion
22 with Plaintiff, about Plaintiff, or about Plaintiff's concerns.

1 3.118 At the August 14, 2018 City Council meeting, Blossom further
2 supported her motion to remove Plaintiff from the Committee by asserting that
3 “we’re at risk of losing our Chair” [Maradel Gale].

4 3.119 Upon questioning by another Council member, Blossom admitted
5 Plaintiff had not been warned that Plaintiff’s behavior could result in her removal
6 from the Committee.

7 3.120 Plaintiff had previously spoken personally with Blossom (herself an
8 attorney) regarding the Committee’s failure to disclose conflicts.

9 3.121 Based on recollection, Plaintiff had emailed Blossom previously
10 regarding the Committee’s failure to disclose conflicts.

11 3.122 Plaintiff initiated the telephone call that took place on July 11, 2018.

12 3.123 On July 11, 2018, during their private telephone call, Blossom promised
13 to address Plaintiff’s concerns.

14 3.124 Blossom requested that Plaintiff come to her with any future concerns.

15 3.125 Plaintiff agreed to come to Blossom with any future concerns.

16 3.126 Blossom at no time, whether on July 11, 2018 or at any other time,
17 warned Plaintiff that she was in danger of being removed from the Committee.

18 3.127 Blossom brought up her conversation with Plaintiff on July 11, 2018 at
19 the next Committee meeting (July 18, 2018), but that portion of the meeting focused
20 on Scott Anderson’s complaint that Plaintiff had sent an email about her concerns to
21 members of the public using her City email address.

22 3.128 Plaintiff was unable to attend the July 18, 2018 meeting, and she had
23 alerted Blossom that she could not attend during the July 11, 2018 telephone call.

24 3.129 Plaintiff attended the next Committee meeting, on August 1, 2018.

3.130 Plaintiff's concerns were not addressed at the August 1, 2018 meeting.

3.131 Plaintiff raised no complaints at the August 1, 2018 meeting.

3.132 Plaintiff was not warned of the impending removal at the August 1, 2018 meeting.

3.133 The status of finding new members to replace those who had resigned was discussed at the August 1, 2018 meeting.

3.134 Plaintiff's removal from the Committee was not discussed at the August 1, 2018 meeting.

3.135 On August 10, 2018, Plaintiff communicated with Staff regarding the Committee's prior request for a traffic study, a request for any updates to the Work Plan, and requested contact information for the consultants to obtain copies of the "table forms" from the public meeting. Plaintiff received no response to this request.

3.136 To the best of Plaintiff's recollection, and based on her records, Plaintiff had no other contact with the Committee, the Staff or Council member Blossom.

3.137 No warning was provided to Plaintiff in the August 10, 2018 communications.

3.138 Further, at the August 14, 2018 City Council meeting, the Mayor inexplicably permitted/invited public comment on Plaintiff's removal.

3.139 Planning Commissioner, Jon Quitslund, not identifying himself on the record as a COBI Planning Commissioner, and admitting he had no personal knowledge of Plaintiff, claimed Plaintiff was abusive ("just ugly, and totally inappropriate") to COBI Staff liaison to the Committee, Senior Planner Jennifer Sutton.

1 3.140 Planning Commissioner Quitslund stated that he'd "heard things that
2 were upsetting" to him "because they seemed to be threatening a kind of dysfunction
3 in a very touchy and very important process."

4 3.141 Quitslund went on to state that it "seemed to be the case that there's just
5 so much disruption and so much blocking of the description of where we're going
6 and how, and, and what's at stake"

7 3.142 Quitslund closed his televised/recorded speech by agreeing with
8 Plaintiff's removal from the Committee, and then suggesting that Plaintiff's
9 behavior/action "seems irrational."

10 3.143 Council had previously implemented a rule prohibiting *ad hominem*
11 attacks during public comment or among Council members.

12 3.144 This rule had been enforced against Council members and public
13 speakers in the past.

14 3.145 Quitslund's comments violated the Council rule.

15 3.146 The Mayor did not halt, or otherwise interrupt, Quitslund's speech
16 regarding Plaintiff.

17 3.147 The Mayor did not make any statement that could have diminished the
18 adverse impact of Quitslund's speech.

19 3.148 Quitslund was later appointed the Planning Commission's liaison to
20 the Committee.

21 3.149 The BIMC provides that the Committee's final recommended Plan next
22 moves to the Planning Commission for public hearing and commentary.

23 3.150 Quitslund told the Committee in early 2019 that a no- or low- growth
24 plan for Island Center would violate the Comprehensive Plan.

1 3.151 Quitslund told the Committee in early 2019 that any no- or low-growth
2 Plan would be a “non-starter” with the Planning Commission (the next stop for the
3 draft Plan).

4 3.152 Quitslund later (January of 2019) told Plaintiff that he had no personal
5 knowledge supporting his comments regarding her made on August 14, 2018.

6 3.153 Quitslund later (January of 2019) told Plaintiff that his “friend of many
7 years,” Maradel Gale, relayed to him the information that he had presented to the
8 City Council as true.

9 3.154 Just prior to a Committee meeting in early 2019 (following Plaintiff’s
10 removal), Maradel Gale was heard to comment as she read something on her cell
11 phone, which, given that Plaintiff had sent an email to the Committee just before the
12 meeting, could have been an email from Plaintiff to the Committee, “[S]he is just a
13 disaster for this committee.”

14 3.155 At the August 14, 2018 City Council meeting, the Council voted 5-2 to
15 remove Plaintiff from the Committee.

16 3.156 The Council members other than Blossom who voted to remove
17 Plaintiff made it clear they had no knowledge whether the statements by others were
18 true, or not.

19 3.157 Several Council members who voted to remove Plaintiff expressly
20 stated they were so voting to “support” Blossom, or because Blossom, as Council’s
21 liaison to the Committee, “advised” removal.

22 3.158 Following the August 14, 2018 City Council meeting, Plaintiff heard
23 from one Councilmember who stated he “felt really bad” about how things were
24 handled.

1 3.159 Blossom called Plaintiff on August 15, 2018, to advise her that she had
2 been removed from the Committee the night before.

3 3.160 Later, Plaintiff reviewed the August 14, 2018 Council meeting tape, and
4 saw that during the August 14, 2018 Council meeting, the Mayor offered to attend
5 the call to Plaintiff.

6 3.161 This suggestion, made before the public, created the implication to the
7 public that Plaintiff's reaction would be severe, and that Blossom would need "back
8 up."

9 3.162 Blossom declined the assistance.

10 3.163 Further, at the August 14, 2018, City Council meeting, Council member
11 Nassar expressed concern about Plaintiff's attendance as a member of the public at
12 future meetings, and that "firing" Plaintiff could "exacerbate the problem."

13 3.164 Both the Mayor's offer of "help" when communicating with Plaintiff
14 about her removal, and Nassar's assumption that Plaintiff's behavior was sufficiently
15 concerning so as to warrant barring her from future public meetings, confirms that
16 the impression left with Council and the public regarding Plaintiff was that she is
17 irrational, violent, or otherwise not a person that should be allowed at a public
18 government meeting.

19 3.165 Nassar's concern was dismissed by Blossom.

20 3.166 During the August 15, 2018 telephone call with Plaintiff, Blossom
21 asserted that she had not known about the Agenda item to remove Plaintiff, and had
22 not wanted to vote for the motion to remove Plaintiff.

23 3.167 In the telephone call, Blossom did not reveal that it was she who had, in
24 fact, made the motion to remove Plaintiff.

1 3.168 Plaintiff did not have questions for Blossom during the call.

2 3.169 During the August 15, 2018, telephone call, Blossom volunteered to
3 Plaintiff: "I do not think it (the removal) was because you are anti-development."

4 3.170 The City Manager at the time of Plaintiff's tenure on the Committee
5 was Doug Schulze.

6 3.171 Mr. Schulze resigned effective October 2, 2018.

7 3.172 On or about August 8, 2018, Mr. Schulze told the Kitsap Sun, among
8 other comments, that "the City Council should not give greater weight to the
9 opinions of members of the public than to recommendations from city staff" and
10 "criticisms of city projects from a vocal group are criticisms from armchair
11 quarterbacks."

12 3.173 At the time of Plaintiff's removal, the City's government culture was
13 pro-growth, and failed to embrace public participation in government.

14 3.174 The practice at the time of Plaintiff's removal was for the City Council
15 meeting Agenda to be set through conference between the Mayor and the City
16 Manager.

17 3.175 On August 18, 2018, Plaintiff watched the videotape of the City Council
18 meeting where she was removed. She was caused embarrassment and distress at the
19 unsupported and false attacks made, unnecessarily, on her in a recorded public
20 forum, and at the thought that her current or future employer and clients could form
21 an adverse opinion of Plaintiff's personality, capacity, and ability to function as an
22 attorney, as a result of the things said about Plaintiff. In the following weeks,
23 Plaintiff suffered from significant sleeplessness, worry and distress. The
24 sleeplessness aggravated medical conditions suffered by Plaintiff.

1 3.176 Plaintiff suffered worry that her current contracted employer, who
2 resides on Bainbridge Island, would believe the false statements, and that permanent
3 damage would be caused to the employment relationship and, consequently, her
4 income stream, as well as to her professional standing in the Bainbridge Island and
5 Seattle legal communities.

6 3.177 Also at the August 14, 2018, City Council meeting, a member of a
7 different committee was demoted for “performance” issues.

8 3.178 That committee member was not removed from the committee, but was
9 demoted from the position of Chair.

10 3.179 That committee member later filed an Ethics Complaint, and the Ethics
11 Board issued an Advisory Opinion, No. 2018-02.

12 3.180 In Opinion No. 2018-02, the Ethics Board noted that the complainant
13 (like Plaintiff) had not been notified that his communications could result in
14 demotion, had not been provided notice of the City Council meeting, and had not
15 been provided the opportunity at that meeting to correct any factual misstatements
16 about himself.

17 3.181 The Ethics Board concluded with a recommendation:

18 It is incumbent upon the elected official to meet with the committee
19 member and discuss what constitutes appropriate behavior. In the
20 instant case, it is not clear that such discussions were held. Normal
21 standards of ethical behavior as they relate to respect for citizens,
22 fairness in the application of process, and recognition of the
23 contributions of citizen committee members, may have been
24 disregarded. This can be a problem for the city, as it sends a message to
other citizens that their service on a city committee may subject them to
hurtful public rebuke and reprisal without due process – and who
wants to set themselves up for that? . . . The City Council must take
steps to establish a better process for dealing with situations such as
this – a process that is fair, equitable, transparent, and respectful of the
citizens who volunteer for the city.”

1 Opinion No. 2018-02, pp. 4-5.

2 3.182 Shortly after August 18, 2018, following her review of the meeting,
3 Plaintiff contacted the City Council and requested that the section of the August 14,
4 2018 meeting tape regarding Plaintiff be removed from the tape, or that a correction
5 be made. Plaintiff received no response, other than the opinion by one Council
6 member that he/she considered removal or correction unlikely.

7 3.183 Following Plaintiff's removal, and further following a fourth
8 resignation from the Committee, the Council re-stocked the Committee with four
9 persons: 1) an architect; 2) a builder; 3) a Seattle planner; and 4) a member of Kol
10 Shalom synagogue, which congregation seeks to continue to use the City-owned lot
11 next to their building for parking.

12 3.184 In May, 2020, Plaintiff applied for appointment to an open seat on the
13 City Council.

14 3.185 The local newspaper ran a story that highlighted Plaintiff's removal
15 from the Committee and repeated the false claims made about her at the August 14,
16 2018 meeting.

17 3.186 The news article included a stated opinion that was not attributed to
18 any person, and which was not available from the meeting tape.

19 3.187 Plaintiff's contracted employer advised he had seen the story.

20 3.188 Plaintiff requested correction from the newspaper, but did not receive a
21 response.

22 3.189 No correction was run, and Plaintiff was not selected for the Council
23 seat.

1 3.190 Following her removal from the Committee, Plaintiff continued to
2 attend the Island Center Committee meetings as a member of the public.

3 3.191 While the Committee had previously (approximately April of 2018)
4 voted to allow public comment "per topic," the Committee Chair, Maradel Gale,
5 and/or Staff had unilaterally amended this practice. At the time of Plaintiff's
6 removal, limited public comment was allowed only at the end of the meeting, after
7 the Committee had already discussed and decided issues.

8 3.192 Plaintiff's ability to meaningfully participate in the Island Center
9 planning process, as compared to her participation as a member of the Committee,
10 was therefore limited, restricted, or moot.

11 3.193 Prior to her removal, Plaintiff had noted that no minutes were recorded
12 for the first meeting, that of December 5, 2017.

13 3.194 The Committee had held a vote at the December 5, 2017 meeting.

14 3.195 Plaintiff provided draft proposed minutes for that meeting, as well as
15 for the January 17 and February 7 meetings at the meeting of February 21, 2018.

16 3.196 Chair Gale and Sutton advised the Committee that minutes were not
17 required because the meetings are recorded.

18 3.197 This position is reflected in the minutes for the February 21, 2018
19 meeting.

20 3.198 Chair Gale advised the draft minutes would be "appended" to the
21 minutes for the record, as well.

22 3.199 Plaintiff's draft proposed minutes were not appended to any minutes
23 recorded for any meeting.

1 3.200 Plaintiff's draft proposed minutes were not appended to the minutes of
2 the meeting during which they were proposed.

3 3.201 On April 18, 2018, during Plaintiff's tenure on the Committee, Plaintiff
4 alerted the Committee to its failure to draft a Work Plan, as required by the
5 applicable BIMC.

6 3.202 Chair Gale advised a Work Plan was not needed.

7 3.203 Plaintiff offered to obtain and bring the Work Plan from the prior
8 Subarea Planning Process (one conducted in 2001) to the next meeting for review.

9 3.204 At a later meeting, Christensen advised the Committee that, not only
10 had he already drafted the required Work Plan, but also that it had been presented to
11 the City Council, and the City Council had already approved it.

12 3.205 A copy of a timeline document was provided to the Committee.

13 3.206 Similarly, in early 2018, other Committee members requested input to
14 the Request for Qualifications (RFQs) to be issued for a Committee consultant, and
15 were told they would have that opportunity.

16 3.207 At or soon after the time this promise was made, Christensen, Sutton,
17 Gale and the Planning Commission liaison, had already issued the RFQs,
18 interviewed applicants, recommended consultants to Council, and the Council had
19 hired consultants.

20 3.208 This secret action overruled or disregarded the Committee's December
21 5, 2017 vote to postpone this hire until the Committee could provide input into what
22 sort of expertise was needed, in the Committee's estimation.

1 3.209 The Committee was told the consultants had already been hired at the
2 March 21, 2018 meeting. Several Committee members objected to the process that
3 had resulted in their selection.

4 3.210 At the April 4, 2018 Committee meeting, Christensen admonished the
5 Committee for its lack of progress, and told the Committee that it might have to
6 begin meeting weekly.

7 3.211 Prior to the next meeting (April 18, 2018) and at the meeting, Plaintiff
8 objected to Christensen's admonishment.

9 3.212 At the April 18, 2018 Committee meeting, Plaintiff also raised a point of
10 order.

11 3.213 The point of order was regarding the Committee's prior vote to
12 postpone Vision Statement drafting, and the presence on the Agenda of "draft Vision
13 Statement," despite that vote.

14 3.214 Plaintiff noted that proper procedure suggested that the Committee
15 should take another vote before proceeding.

16 3.215 Plaintiff's point of order was disrupted by Chair Gale's repeated
17 interruptions.

18 3.216 The Committee eventually held a vote, and decided to draft the Vision
19 Statement without waiting for the result of the Survey.

20 3.217 The minutes for the April 18, 2018 meeting fail to reflect this vote.

21 3.218 During several meetings (e.g. 12/5/17, 1/17/18, 2/7/18, 2/21/18 and
22 4/4/18), Christensen, Sutton, Gale, Anderson and/or Blossom made separate
23 statements to the Committee and the public that the Growth Management Act
24

1 requires growth, and/or that the Comprehensive Plan requires that Island Center be
2 expanded and that residential zoning be made more dense than it is now.

3 3.219 These statements were often made in response to concerns raised by the
4 public and requests that the Island Center area not be excessively developed.

5 3.220 Plaintiff generally attempted to correct these misstatements of the law
6 to the Committee as they occurred, while she was on the Committee.

7 3.221 Similarly, during the Committee's interim report to the City Council on
8 August 28, 2018, the Council was told that the Committee was unlikely to
9 recommend significant expansion of the Island Center zone.

10 3.222 Council member Blossom stated that she wondered whether the
11 community would be allowed to "opt out" of the Comprehensive Plan.

12 3.223 Following Plaintiff's removal, in June 2019, Consultant Wenzlau
13 (Charlie Wenzlau, a local architect who works for developers) proposed an
14 expansion of about 40 acres of new Neighborhood Center Property.

15 3.224 Following Plaintiff's removal, in approximately November of 2019,
16 Consultant Arango proposed an expansion of about 70 acres of new Neighborhood
17 Center Property in Island Center.

18 3.225 The Committee rejected both proposals.

19 3.226 At several meetings prior to Plaintiff's removal (e.g. 12/5/17, 2/21/18,
20 3/21/18, 4/18/18, 7/18/18 and 8/1/18) Sutton and/or Gale commented that sewer
21 expansion to Island Center would enhance either the Fletcher Bay water quality or
22 would facilitate the development of small lots in the area.

23 3.227 In November of 2019, a replacement consultant's contract was reviewed
24 by the City Council ("Framework").

1 3.228 Framework's subconsultant offered a sewer analysis for \$30,000.

2 3.229 A Committee member spoke to Council during the consideration of the
3 Contract, and opposed this portion of the Contract, stating the Committee had not,
4 and was unlikely to, develop a Plan that would require a sewer expansion.

5 3.230 The objecting Committee member noted the Committee could use that
6 money to gain advice on other issues it was considering.

7 3.231 The City Manager promised the Council that the money would not be
8 spent unless and until the Committee developed a draft Plan that required sewer
9 expansion.

10 3.232 Based on the promise, the Council voted to approve the full contract.

11 3.233 At the March 4, 2020 Committee meeting, a City Staffer advised the
12 Committee that the sewer analysis "was underway."

13 3.234 The Committee had not yet drafted a Plan.

14 3.235 None of the draft elements to the draft Plan included density sufficient
15 to require sewer expansion.

16 3.236 Plaintiff inquired with the City Manager as to the genesis of the
17 authority for the expenditure, and has not received an answer.

18 3.237 Blossom and others have asserted that higher density is needed to
19 create affordable housing. During 2020, Plaintiff advised the Committee that state
20 law existed that would allow them to mandate that any new residential density
21 created in their Plan be affordable. RCW 36.70A.540.

22 3.238 At the November 23, 2020, Committee meeting, Staff liaison Sutton
23 recommended to the Committee that they not utilize the statute.

1 3.239 The consultant, whose sub-consultant is Charlie Wenzlau, a local
2 architect and developer, advised the Committee to not change the zoning allowances,
3 but to use the existing Code.

4 3.240 The existing applicable Code section, BIMC 18.12.030(D), allows bonus
5 density for actions other than the building of affordable housing.

6 3.241 Plaintiff has been “blackballed” from COBI land use and important
7 committees.

8 3.242 Plaintiff has applied for a position on the Ethics Board three times.

9 3.243 Plaintiff served as a Justice on her law school's Honor Court while she
10 was also a member of the Law Review, and is otherwise qualified.

11 3.244 After Plaintiff interviewed the third time, in March of 2020, COBI re-
12 opened applications without explanation.

13 3.245 Plaintiff again was not appointed.

14 3.246 The Chair of the Ethics Board resigned in January of 2021.

15 3.247 The departing Ethics Board Chair advised Plaintiff she had
16 recommended that Plaintiff be named to the Board as her replacement. The seat
17 remains open as of the filing of this First Amended Complaint.

18 3.248 Also, following her removal, Plaintiff applied for an open Planning
19 Commission seat, and was not selected.

20 3.249 During the Pandemic, Committee meetings were conducted by
21 “Zoom.”

22 3.250 Materials reviewed by the Committee at meetings were sometimes, but
23 not always, provided with Agenda packets for meetings.

1 3.251 On December 16, 2020, Plaintiff requested copies of the "Zoom"
2 meetings of the Island Center Subarea Planning Process Steering Committee.

3 3.252 More than five days later, on December 31, 2020, COBI responded that
4 the Island Center "Zoom" meetings were not recorded, due to "City Policy."

5 3.253 COBI amended the response later the same day to advise that the
6 meetings, both video and audio, were in fact recorded, but that the video portion of
7 the recording was not retained, nor uploaded.

8 3.254 COBI did not provide the reason for the delayed response.

9 3.255 A video link for the full meeting (video and audio) that took place on
10 December 16, 2020, had been provided in response to the public records request on
11 December 18, 2020.

12 3.256 COBI did not produce the video portion of the recordings for any prior
13 meeting.

14 3.257 Following Plaintiff's inquiry, COBI confirmed in an email posted to the
15 public records portal that the video portion of each prior "Zoom" meeting had been
16 created, but that it was deleted following the creation of the document.

17 3.258 COBI has failed to file approved minutes for the Island Center meetings
18 for the dates September 30, 2020, October 28, 2020 and November 23, 2020.

19 3.259 COBI has never recorded minutes for the December 5, 2017 meeting.

20 3.260 RCW 42.30.030 requires that minutes for all regular and special
21 meetings (except executive sessions) be recorded and provided for public inspection.

22 **IV. CAUSE OF ACTION - 42 U.S.C. § 1983**

23 4.1 Plaintiff incorporates the factual allegations found in paragraphs 3.1-
24 3.260, and incorporates the same as though fully stated herein.

1 4.2 Plaintiff was engaged in a Constitutionally protected activity when she
2 raised questions, expressed opinions, objected to process violations, objected to
3 misstatements of the law or objected to misstatements of the Comprehensive Plan.

4 4.3 Defendant's actions were taken under the color of state law, and were
5 calculated to, and did, pursuant to 42 USC § 1983, violate Plaintiff's right to
6 participate in government and attempt to persuade others, and effectively punished
7 her for her exercise of her right to free speech and political speech, in violation of the
8 United States Constitution.

9 4.4 Defendant's actions against Plaintiff would have chilled a person of
10 ordinary firmness from continuing to engage in the protected activity.

11 4.5 Defendant's purpose, according to Sarah Blossom on August 14, 2018,
12 in removing Plaintiff was expressed as prioritizing the "health and functioning of the
13 Committee over this person's participation in it." Defendant's agent Gary
14 Christensen provided input that "there hasn't been full support of the process,"
15 "there's been some decisiveness [sic]" "at the point of being argumentative." Gary
16 Christensen provided his opinion that he did not "always see that [respectful
17 commentary] from this individual" and that he "found that frustrating." Council
18 member Blossom closed her commentary by asserting that "of course people can still
19 come and speak their mind . . . and I would say it's not about what she's speaking or
20 her point of views [sic], it's um, more how she interacts with the other committee
21 members and with staff." Plaintiff's engagement in this protected activity was a
22 substantial or motivating factor in the Defendant's conduct.

23 4.6 Defendant was obligated to protect, not impede, Plaintiff's right to raise
24 concerns regarding multiple misstatements of law, the repeated failure to disclose

1 conflicts of interest, departures from proper process, and the Staff overriding of
 2 Committee votes, regardless of whether such concerns made other Committee
 3 members "uncomfortable," and regardless of whether discussion of the concerns
 4 allegedly slowed down the Committee's meetings, and/or the planning process. The
 5 desire for a "smooth process" does not trump Plaintiff's, or anyone's, Constitutionally
 6 protected rights.

7 4.7 Defendant's actions were intentional and conducted with malice, or
 8 done with reckless or callous indifference to Plaintiff's federally protected rights, to
 9 punish and silence her (and, potentially, others) for correcting Defendant's
 10 representatives' misstatements of law and violations of procedure, as well as for
 11 insisting on the disclosure of potential conflicts by those charged with serving the
 12 citizens of Bainbridge Island.

13 4.8 Defendant's acts have caused Plaintiff emotional distress and
 14 reputational injuries, for which Plaintiff seeks damages.

15 V. CAUSE OF ACTION - DEFAMATION

16 5.1 Plaintiff incorporates the allegations found in paragraphs 3.1-3.260, and
 17 incorporates the same as though fully stated herein.

18 5.2 COBI, by and through its agents Kol Medina, Gary Christensen,
 19 Maradel Gale, Jon Quitslund and Sarah Blossom, defamed Plaintiff by publishing
 20 false and injurious information and implication regarding Plaintiff to third parties
 21 under a Washington State claim of common law defamation. Plaintiff served on the
 22 Committee as a citizen volunteer, and was not a public figure. Defendant enjoys no
 23 immunity for these acts.

24 5.3 As the statements tended to harm Plaintiff in her profession and

1 alleged she is irrational, behaved “totally inappropriately” and was “ugly” with staff,
 2 adversely implicating her mental state and fitness to practice law, these acts
 3 constituted defamation *per se*.

4 5.4 As Defendant intended to bar or limit Plaintiff's participation in
 5 government by making/allowing these false statements, and as the statements were
 6 unnecessary and would not have been made in public at all had Defendant followed
 7 its own Code's requirements for the removal of a Committee member, the statements
 8 were made out of malice.

9 5.5 The false statements subjected Plaintiff to contempt or ridicule.

10 5.6 The false statements damaged Plaintiff in an amount to be proven at
 11 trial.

12 5.7 Plaintiff has complied with Revised Code of Washington 7.96.040, and
 13 Defendant refuses to correct the defamation.

14 **VI. CAUSE OF ACTION - NEGLIGENT OR INTENTIONAL INFLICTION OF**
 15 **EMOTIONAL DISTRESS**

16 6.1 Plaintiff incorporates the allegations found in paragraphs 3.1-3.260, and
 17 incorporates the same as though fully stated herein.

18 6.2 Defendant, by and through its agents Gary Christensen, Kol Medina,
 19 Maradel Gale and Sarah Blossom, negligently or intentionally inflicted emotional
 20 distress on Plaintiff.

21 6.3 Defendant's actions damaged Plaintiff in an amount to be proven at
 22 trial.

VII. CAUSE OF ACTION – VIOLATION OF PUBLIC RECORDS ACT

RCW 42.56

7.1 Plaintiff incorporates the allegations in paragraphs 3.1-3.260, and incorporates the same as though fully stated herein.

7.2 The video recorded “Zoom” meetings are public records as defined by RCW 42.56.010(3) and (4), as they were “video recordings,” and these records are therefore subject to production. No exemption to production applies.

7.3 RCW 42.56.080 provides that “agencies . . . shall, upon request for identifiable public records, make them promptly available to any person.”

7.4 RCW 42.56.520 provides: “Within five business days of receiving a public record request, an agency . . . must respond by either 1) providing the record; 2) providing an [internet link]; 3) acknowledging that the agency . . . has received the requests and providing a reasonable estimate of the time the agency will require to respond to the request; or 4) denying the public record request.”

7.5 COBI violated the PRA by withholding records responsive to the request that are not exempt from production.

7.6 COBI violated the PRA by not safeguarding, storing, cataloging, and retaining public records and for allowing the loss and destruction of public records.

7.7 Plaintiff has been harmed by the deprivation of relevant, timely and important government records regarding a land use committee’s activity.

7.8 Plaintiff is entitled to reasonable attorney’s fees, all costs, and a statutory penalty of \$100 per record per day from the date of destruction.

VIII. CAUSE OF ACTION – VIOLATION OF RCW 4.24.510

8.1 Plaintiff incorporates the allegations in paragraphs 3.1-3.260, and incorporates the same as though fully stated herein.

1 8.2 Plaintiff was immune from liability for her communications regarding
2 inaccurate statements of law, the failure of some Committee members to disclose
3 conflicts, and objections regarding process.

4 8.3 COBI did not sue Plaintiff for her protected speech, but COBI used its
5 substantial power differently, penalizing Plaintiff for her protected speech by
6 publicly shaming and removing her from the committee. Such strategic actions, if
7 filed in court, are termed "SLAPP suits." Washington has recognized that such suits
8 and actions "are designed to intimidate the exercise of First Amendment rights and
9 rights under Article I, section 5 of the Washington state Constitution" and that the
10 "United States Constitution protects advocacy to government, regardless of content
11 or motive, so long as it is designed to have some effect on government decision
12 making." RCW 4.24.510 Notes re Intent.

13 8.4 Plaintiff is entitled to recovery under RCW 4.24.510, including but not
14 limited to reasonable attorneys' fees and statutory damages of \$10,000.

15 **TRIAL BY JURY DEMANDED**

16 Plaintiff demands trial by jury.
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PRAYER

WHEREFORE, Plaintiff prays that the Court grant the following relief against Defendant:

1. Actual Damages;
2. Statutory Damages;
3. Punitive Damages as may be allowed under the law;
4. Attorney Fees and Costs incurred in this action; and
5. Such other and further relief as the Court may deem just and

proper.

DATED: January 14, 2021.

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